IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Neeraj Singh. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 1112/2005 against the order dated 30-6-2005 passed by the Addl. Sessions Judge, Anoopgarh, in Criminal Revision No. 10/2004.

...

Date of Order: August 17, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. N.L. Joshi, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner has assailed the order dated 30-6-2005 passed by the Additional Sessions Judge, Anoopgarh (for short, "the Revisional Court" hereinafter) in Criminal Revision No. 10/2004, whereby the revision petition filed by the petitioner against the order dated 28-7-2003 passed by the Judicial Magistrate, Anoopgarh (for short, "the trial Court" hereinafter), was dismissed.

I have heard learned counsel for the parties. Perused the orders passed by the trial Court as well as the

Revisional Court.

Learned counsel for the petitioner has placed on record the judgment and order dated 10-2-2000 passed by the Labour Court in Labour Reference No.226/98 (117/96), the order dated 22-3-2002 passed by a learned Single Judge in S.B. Civil Writ Petition No. 1029/2002 and the order dated 5-4-2005 passed by a Division Bench of this Court in D.B. Civil Special Appeal No. 601/2003, and contended that the Labour Court, the learned Single Judge and the Hon'ble Division Bench have held that the document produced by the petitioner before the Labour Court was not found to be forged or fabricated and, therefore, it is not open for the complainant now to agitate that the document produced by the petitioner before the Labour Court in the Labour Reference was forged by the petitioner.

The Division Bench of this Court, in D.B. Civil Special Appeal No. 601/2003, vide order dated 5-4-2005 held that there is nothing on record to show that the document produced by the respondent (petitioner herein) is forged or fabricated. The Labour Court has placed reliance on the said document. Thus, the document which is alleged to have been forged by the petitioner, was not found to be forged and fabricated by the Labour Court, learned Single Judge as well as by the Division Bench of this Court. In the circumstances, therefore, the order taking cognizance and the proceedings thereunder are nothing

but abuse of the process of the Court. Therefore, in order to secure ends of justice, the orders passed by the trial Court as also by the Revisional Court deserve to be quashed and set aside.

Consequently, the criminal miscellaneous petition is allowed. The orders dated 28-7-2003 and 30-6-2005 passed by the trial Court and the Revisional Court respectively, are set aside. The proceedings against the petitioner in relation to FIR No. 158/2002, Police Station, Anoopgarh, district Sri Gangangar, stand quashed. The stay petition stands disposed of.

(H.R. PANWAR), J.

mcs